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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,330	02/07/2002	Jean-Claude Beauvois	0503-1004	4598

466 7590 03/25/2004

YOUNG & THOMPSON  
745 SOUTH 23RD STREET 2ND FLOOR  
ARLINGTON, VA 22202

EXAMINER

JONES, DAVID B

ART UNIT	PAPER NUMBER
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3725

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/067,330

Applicant(s)

BEAUVOIS ET AL.

Examiner

David B Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5</u> . | 6) <input type="checkbox"/> Other: ____  |

### DETAILED ACTION

1. The disclosure is objected to because of the following informalities: The specification appears to be a product of translation from a foreign document and as such contains many awkward and indefinite limitations. The specification should be reviewed and amended into proper U.S. form. For example the term "directrix" found on page 1, line 6, is unclear and renders the specification vague and indefinite.

Appropriate correction is required.

2. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims as a whole appear to be a product of translation from a foreign document. As such they fail to comply with U.S. practice as it relates to claim form. The claims should be reviewed and amended into proper claim form. Claim 1 will be treated for example sake only but all the claims contain like limitations that render them indefinite. In claim 1, lines 1 and 2, the limitation "of possibly perforated sheet material" is vague and indefinite. On line 3 of claim 1, "the overall surface" lacks antecedent basis. On lines 5 and 6 of claim 1, "the edges of the strip", lacks antecedent basis. Further on line 6 of claim 1, the limitation, "directrix" is vague and indefinite in meaning. On line 9 of claim 1, "the edges of the strip" lacks antecedent basis in the claim. On line 2 from the bottom of claim 1, "substantially conjugate" is unclear and indefinite. Further claim 1, as well as claims 2-11, is a method claims, as such they should be set forth in active method steps to perform the

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desired operation. Finally with respect to claim 12, the independent apparatus claim, the term "generatrices" is not understood and appears to be a mistranslation into English. All the claims should be reviewed for like problems and the specification should reflect the changes made to the claims so as to provide antecedent basis for the changes; no new matter should be entered into the case.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

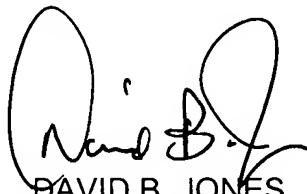
4. Claims 1 and 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 1025985. EP '985 teaches the claimed invention, as admitted on page 2, the 2<sup>nd</sup> paragraph of his specification, excepting that the material of the strip being that of metal. Metal corrugations are well known in the art of corrugating and also in the art of corrugated packings. It would have been obvious to one of ordinary skill in the art of corrugating to have used the method and apparatus of EP '985 in forming thin metal strips if so desired. Nothing in the method of EP '985 would preclude it from being used on other materials other than that of cardboard. One of ordinary skill in the art would have found it obvious to have used the simple method as set forth in EP '985 on metal sheets or metal woven sheet, of which sheets are well known. Regarding claim 12, see figs. 4 and 11.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David B. JONES whose telephone number is (703) 308-1887.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148.

In the event that the Applicant(s) wishes to communicate via Fax, the current central Fax number for the patent office is (703) 872-0906

DBJ



DAVID B. JONES  
PRIMARY PATENT EXAMINER  
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